

IN THE SENATE

SENATE BILL NO. 1334

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO A MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A REPAIR WAIVER AND A HARD-SHIP WAIVER AND TO PROVIDE FOR RECOMMENDATIONS TO THE LEGISLATURE FROM THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-116B, Idaho Code, be, and the same is hereby amended to read as follows:

39-116B. VEHICLE INSPECTION AND MAINTENANCE PROGRAM. (1) The board shall initiate rulemaking to provide for the implementation of a motor vehicle inspection and maintenance program to regulate and ensure control of the air pollutants and emissions from registered motor vehicles in an attainment or unclassified area as designated by the United States environmental protection agency, not otherwise exempted in subsection (7) of this section, if the director determines the following conditions are met:

(a) An airshed, as defined by the department, within a metropolitan statistical area, as defined by the United States office of management and budget, has ambient concentration design values equal to or above eighty-five percent (85%) of a national ambient air quality standard, as defined by the United States environmental protection agency, for three (3) consecutive years starting with the 2005 design value; and

(b) The department determines air pollutants from motor vehicles constitute one (1) of the top two (2) emission sources contributing to the design value of eighty-five percent (85%).

(2) In the event both of the conditions in subsection (1) of this section are met, the board shall establish by rule minimum standards for an inspection and maintenance program for registered motor vehicles, not otherwise exempted in subsection (7) of this section, which shall provide for:

(a) Counties and cities within the airshed that will be subject to the motor vehicle inspection and maintenance program;

(b) The requirements for licensing authorized inspection stations and technicians;

(c) The frequency with which inspections shall be required, provided that inspections shall occur no more than once every two (2) years;

(d) The procedures under which authorized inspection stations and technicians inspect motor vehicles and issue evidence of compliance;

(e) The criteria under which it is to be determined that a motor vehicle is eligible for a certificate of compliance;

(f) The parameters and diagnostic equipment necessary to perform the required inspection. The rules shall ensure that the equipment complies with any applicable standards of the United States environmental protection agency;

1 (g) A fee, bond or insurance which is necessary to carry out the pro-
2 visions of this section and to fund an air quality public awareness and
3 outreach program. The fee for a motor vehicle inspection shall not ex-
4 ceed twenty dollars (\$20.00) per vehicle;

5 (h) The issuance of a pamphlet for distribution to owners of motor vehi-
6 cles explaining the reasons for and the methods of the inspections; and

7 (i) The granting of a waiver from the minimum standards as provided by
8 rule, which may be based on model year, fuel, size, or other factors,
9 which shall include, but not be limited to, a repair waiver and a hard-
10 ship waiver in conformance with 40 CFR 51.360(a).

11 (3) In the event both of the conditions in subsection (1) of this sec-
12 tion are met, the director shall attempt to enter into a joint exercise of
13 powers agreement under sections 67-2326 through 67-2333, Idaho Code, with
14 the board of county commissioners of each county within the airshed in which
15 a motor vehicle inspection and maintenance program is required under this
16 section, and the councils of incorporated cities within those counties, to
17 develop a standardized inspection and maintenance program. If the board of
18 county commissioners or the councils of incorporated cities within those
19 counties choose not to enter into a joint exercise of powers agreement with
20 the director, then within one hundred twenty (120) days of the director's
21 written request to enter into such an agreement, the board of county com-
22 missioners or the councils of incorporated cities may notify the department
23 that it will implement an alternative motor vehicle emission control strat-
24 egy that will result in emissions reductions equivalent to that of a vehicle
25 emission inspection program. If the department determines the emissions
26 reductions of the alternative motor vehicle emission control strategy are
27 not equivalent, or no equivalent reductions are proposed, the department or
28 its designee shall implement the motor vehicle inspection and maintenance
29 program required pursuant to the provisions of this section.

30 (4) The Idaho transportation department shall revoke the registration
31 of any motor vehicle identified by the department or its designee, or any
32 city or county administering a program established under the provisions of
33 this section as having failed to comply with such motor vehicle inspection
34 and maintenance program, except that no vehicle shall be identified to the
35 Idaho transportation department unless:

36 (a) The department or its designee, or the city or county certifies to
37 the Idaho transportation department that the owner of the motor vehicle
38 has been given notice and had the opportunity for a hearing concerning
39 the program and has exhausted all remedies and appeals from any determi-
40 nation made at such hearing; and

41 (b) The department or its designee, or the city or county reimburses the
42 Idaho transportation department for all direct costs associated with
43 the registration revocation procedure.

44 Any vehicle registration that has been revoked pursuant to the provisions of
45 this section that is found to be in compliance with current emissions stan-
46 dards shall have the registration reinstated without charge.

47 (5) The department shall annually review the results of the vehicle
48 inspection and maintenance program. The review shall include, among other
49 things, an estimate of the emission reduction obtained from the number of
50 vehicles that initially fail the test and then pass after maintenance.

1 (6) Every five (5) years beginning with the implementation of the pro-
2 gram, the director shall review the air quality data and ~~determine~~ make rec-
3 ommendations to the legislature for its determination whether a program ini-
4 tially established pursuant to the provisions of this section should be con-
5 tinued, modified or terminated.

6 (7) Electric or hybrid motor vehicles, new motor vehicles less than
7 five (5) years old, classic automobiles, motorized farm equipment and reg-
8 istered motor vehicles engaged solely in the business of agriculture, shall
9 be exempt from any motor vehicle inspection and maintenance program estab-
10 lished pursuant to the provisions of this section.